

## BROOKFIELD WATER POLLUTION CONTROL AUTHORITY

Wednesday, August 28, 2013 Room 133 7:00 p.m.

### APPROVED MINUTES

1. **Convene Meeting:** The meeting convened at 7:00 PM with the following persons in attendance:

**WPCA**

N. Malwitz, Chairman  
L. Trojanowski-Marconi, Vice Chair  
T.E. Lopez  
J. Jove  
P. Kurtz

**Others**

D. Will, Inspector  
R. Prinz, Maintenance Manager  
S. Welwood, Accountant  
J. Sienkiewicz, Attorney  
W. Charles Utschig, Langan Engineer  
K. McPadden, Executive Administrator  
E. Cole Prescott, Recording Secretary

2. **Approval of Minutes** – 6/26/13, 7/24/13

**06/26/13 – L. Trojanowski-Marconi made a motion to approve the minutes of the 06/26/13 meeting. J. Jove seconded the motion, and it carried. Chairman Malwitz was not present at this meeting.**

**07/24/13 –** Chairman Malwitz noted the following changes on page one under the public hearing proposed modification of payment plan paragraph:

- Change “. . . the loan . . .” in the third sentence to “. . . a state loan . . .”
- In the fourth sentence, the word principal is misspelled.
- In the fifth sentence, change the sentence to state: “With this proposed modification, the payments will be even for each property on the Benefit Assessment Plan.”
- In the sentence before the motion at the end of the paragraph, add “. . . in the early years . . .” so that the sentence reads: “Chairman Malwitz also noted that, for many of the residents, the bill will be lower in the early years.”

**T.E. Lopez made a motion to accept the minutes of the 07/24/13 meeting with the noted changes. P. Kurtz seconded the motion, and it carried unanimously.**

3. **Old Business**

a. 20 Vale Road – Sewer Extension Application – *S. Sullivan of CCA Engineers and Greg Steiner of Berkshire North LLC were present to discuss the application.* S. Sullivan noted that CCA has received a letter from Langan recommending approval with some conditions, specifically that the easements are resolved by WPCA’s counsel. W. Charles Utschig clarified that Langan has deferred comments on the easements to Atty. Sienkiewicz, to be sure that whatever appropriate rights are obtained for the WPCA. Atty. Sienkiewicz noted that he had received information indicating that Berkshire North LLC does not want to give an easement across the entire road to the WPCA. Atty. Sienkiewicz reviewed the revisions that he made to compile draft #8 of the permit. W. Charles Utschig clarified that any modification to the plan should be reviewed by the WPCA, either by the Inspector and/or the Maintenance Manager, and Langan Engineering, if necessary. W. Charles Utschig also mentioned that the reason that the WPCA is starting to request the electronic copies of the plans is so that the information may be properly integrated into the WPCA’s GIS system. K. McPadden initially reported that the remaining deficit in the account was \$4,307 as of the end of July. The Commission discussed the remaining fees to be paid by the applicant. **J. Jove moved to authorize the issuance of a sewer extension permit for 20 Vale Road to extend the sewer from Vale Road to Park Ridge Rd and to authorize the Chairman to issue a sewer extension permit to Berkshire North LLC in accordance with the provisions of Draft 8 of the sewer extension permit that was drafted by counsel, with the exception that the deposit to be returned with the signed acceptance of the permit shall be changed from \$5,000 to \$11,000.** K. McPadden clarified that the correct outstanding balance due is actually \$229.00, instead of the amount indicated above. **L. Trojanowski-Marconi made a motion to amend the motion [to change the total to be returned with the signed acceptance of the permit] from \$11,000 to \$7,000. J. Jove seconded the motion, and it carried unanimously.**

b. 111 Park Ridge Road Parcel 1(fka 20 Vale Road) – Sewer Connection Application – *S. Sullivan of CCA Engineers and Greg Steiner of Berkshire North LLC were present.* Because the approval of this

application to connect was held off until the 20 Vale Road Extension was approved, **J. Jove made a motion to approve the application for 111 Park Ridge Road Parcel 1 to be connected to the new sewer extension.** W. Charles Utschig asked that the most recent plans be sent to Langan. **L. Trojanowski-Marconi seconded the motion, and it carried unanimously.**

c. 419 Federal Rd. – Application to Connect – *Mark Kornhaas of Artel Engineering Group and Pete Discala of 419 Federal Road were present to discuss the application.* Mr. Kornhaas stated that Artel Engineering has received a review letter from Langan Engineering; Mr. Kornhaas noted that he believes everything is in order. Mr. Kornhaas replied upon inquiry from Atty. Sienkiewicz, that the proposed building is for commercial use for a landscape business. Mr. Kornhaas stated that the oil sand grit separator will need to be registered with the DEEP, and W. Charles Utschig mentioned that a copy of this approval should be sent to the WPCA. **L. Trojanowski-Marconi made a motion to approve the application subject to the condition that the applicant provides the WPCA a copy of the DEEP registration information for the oil sand grit separator within ninety days. J. Jove seconded the motion, and it carried unanimously.**

**4. New Business:** There was no new business at this meeting.

**5. Accountant Reports**

a. Procedure Update – S. Welwood noted that there has been a lot going on with the WPCA, and she will have the updated policies ready soon. As of July 1<sup>st</sup>, the accounts payable process was changed to QuickBooks. S. Welwood also reported that now the monthly reconciliations are happening on time, which is reconciling the deposits with the QDS system’s records, which is a major improvement to the WPCA’s controls. S. Welwood noted that K. McPadden will be receiving further QuickBooks training from her Danbury Office.

b. Financial Reports – With the ongoing changes, S. Welwood stated that K. McPadden will have the accounts payable checks ready for commissioners to review and sign at the monthly meetings, but suggested that one or two additional commissioners become signors in case there is a time when any of the current signors are unavailable.

c. S. Welwood reviewed the financial report with the Commission for the year ending June 30, 2013. This was shared with the BOS and is the same packet that is prepared for the auditors. Chairman Malwitz mentioned that a meeting was held with Selectman Howard Lasser to discuss his concerns and receive his suggestions about WPCA budgeting. **L. Trojanowski-Marconi made a motion to add T.E. Lopez and J. Jove as signers to the [Savings Bank of Danbury] bank account[s]. P. Kurtz seconded the motion, and it carried unanimously.**

**Chairman Malwitz made a motion to move to agenda item 7.e., to discuss the [Rollingwood] permanent maintenance agreement. L. Trojanowski-Marconi seconded the motion, and it carried unanimously.**

**7. Legal Matters**

e. Rollingwood Permanent Maintenance Agreement – *Attorney Tom Armstrong and James McCally of the Rollingwood Condominium Association were present to discuss this matter.* Atty. Sienkiewicz explained that Rollingwood is one of the condominium associations for which the WPCA is holding funds under an original permanent maintenance agreement. Atty. Sienkiewicz stated that he had drafted a revised agreement for the association, and has also received some engineering estimates on the value of the system from W. Charles Utschig. Atty. Sienkiewicz noted that approximately \$24,529 is being held by the WPCA and explained that the initial deposit would be \$52,748, and when the association signs the agreement, it would have to come up with the difference of the two amounts. Every year thereafter the association would be depositing \$16,599. The estimated cost of the system is \$604,000. These estimates are based on \$455,000 for the sewers and \$150,000 for the pump station. Atty. Sienkiewicz stated that he had sent this information out, and Atty. Armstrong’s response was that the association would like to tie into the sewer line via gravity and do away with their pump station. Atty. Sienkiewicz explained that Atty. Armstrong would like the WPCA to complete a feasibility study to tie the Rollingwood collection system into the Brookfield sewer system via gravity. Chairman Malwitz reviewed three options: (1) Connecting to the South end of Del Mar

Drive is in close proximity, but not attractive because it is a mountain of rock; (2) Run a line to the North end of Old Gray's Bridge Road to a new WPCA pump station at that location. This option has the benefit of including commercial properties in the immediate area; and (3) it may be possible to go out to Sandy Lane. This third option would require that the area be surveyed to be sure that the area can handle this. R. Prinz stated that he had been to CCA yesterday, and has authorized them to give the WPCA a line survey and a contour map from Rollingwood out to Sandy Lane over to the Old Gray's Bridge area. T.E. Lopez asked for the estimated cost of the feasibility study. R. Prinz replied approximately \$2,500. T.E. Lopez asked Atty. Sienkiewicz if it would be possible to use \$2,500 of the funds that are presently being held for the maintenance agreement, and Atty. Sienkiewicz replied that he would have to check the agreement. The Commission reviewed the general costs and how the costs are calculated for switching to a gravity-fed line. J. Jove asked if the GIS system can assist with this issue, and R. Prinz replied that the contours on that system are not as accurate as the topography of a survey. W. Charles Utschig noted that the GIS system is more to be used as an assessment of properties. R. Prinz noted that CCA has all of the records for Rollingwood already, since they had done the mapping for the water line. James McCally stated that he will take the cost information of the feasibility study back to the board to determine if they would like to move forward with the preliminary feasibility study. Atty. Sienkiewicz asked when there would be a decision by the Board, and Mr. McCally responded that he will let the WPCA know after the board decides. Any of the options will require BOS and Planning Commission Section 8-24 approval as well as appropriate easements. Atty. Armstrong asked that the permanent maintenance agreement be put on hold until the homeowners' association makes their decision. Atty. Sienkiewicz explained how benefit assessments are calculated.

*The Commission moved back to agenda item 6.*

#### **6. Engineer Comments/Project Update**

a. GIS System Update – Chairman Malwitz explained that he has spoken with Scott Sharlow about the system, and has some cost information from him. Chairman Malwitz explained that this extra fee would be to hire Scott Sharlow to take the data from existing underground sewer system drawings and CAD plans and integrate it into the GIS system so the GIS sewer layer is populated with accurate data to be useful for planning and modeling analysis. The Sharlow proposal is \$11,500 to update, verify and activate this information in GIS. Chairman Malwitz noted that Scott Sharlow would do all of the work for this project, and the WPCA would just need to give the data to Mr. Sharlow. Chairman Malwitz stated that Scott Sharlow already knows the Town's system because he currently works with other departments in the Town Hall. W. Charles Utschig noted that this system will be set up so it can grow. P. Kurtz asked if there is any training that will be available with this fee, and W. Charles Utschig replied that training will be available. W. Charles Utschig also noted that much of the work required for this update is to assign attributes [to the maps and aerial photography]. **L. Trojanowski-Marconi made a motion to approve the proposal [for the GIS project]. J. Jove seconded the motion, and it carried unanimously.**

b. High Meadow/Ledgewood/Newbury Crossing Project – Chairman Malwitz noted that the WPCA has heard from the owners of 81 Pocono Road regarding the easement for the sewer. The owners agree to an easement, but along a different route following a pre-existing utility easement. Chairman Malwitz suggested that the WPCA engineer a system to run from the proposed pump station at High Meadow out to the Railroad pump station, which may be a lower cost overall, because the price for the wetlands work was quite high. R. Prinz suggested that the Commission send out the request for bid for the wetlands work together with the entire bid because the WPCA may get better pricing that way. W. Charles Utschig reported that he thinks the WPCA has the basic information necessary to design a line to follow this newly proposed route, although the details for the revising the Railroad pump station would need to be determined. The Commission reviewed the plans. Chairman Malwitz suggested that W. Charles Utschig prepare a sketch, engineering cost estimate and also prepare an estimate of the cost for the line to go out to Silvermine Road. Atty. Sienkiewicz suggested that the WPCA proceed with the negotiation of the Austin [81 Pocono Rd] agreement with the adjusted route and with the railroad crossing agreement. Chairman Malwitz suggested that the estimate for the other direction be obtained, the WPCA should determine if permissions will be granted for the proposed sewer line for each option, and then if that was approved, go out to bid for the wetlands work and the regular work at the same time. K. McPadden asked if the Commission needs to acquire another approval from the

Planning Commission and Board of Selectmen, and Atty. Sienkiewicz replied that the language of the approvals would need to be checked. **L. Trojanowski-Marconi made a motion to reject all bids, because this project cannot go forward this year. J. Jove seconded the motion, and it carried, 4-0-1, with T.E. Lopez recusing himself from this matter.**

- c. Del Mar Drive Sewer Extension Project/Change Order – This is covered in 7.a. below.
- d. Other Engineering Matters – There were no additional engineering matters at this meeting.

**7. Legal Matters**

a. Old New Milford Rd/Del Mar Drive Benefit Assessment Plan – Chairman Malwitz reported that the total cost of the projects for Old New Milford Road and Del Mar Drive is approximately \$1,043,000, and the total grand list value is approximately \$13,119,930, which when divided, comes to a proposed assessment rate of 7.95%. Chairman Malwitz stated that the Old New Milford Road Project is funded through a municipal bond, and the WPCA is paying off the bond from the general funds of the WPCA account at this point since the project has not yet been assessed. The Del Mar property is being funded through a BAN, so the WPCA will take the total cost of both projects, (for which the WPCA has already paid over \$110,000 between principal and interest), and divide it by the total grand list value. He proposed that the WPCA hold a public hearing next month to assess the properties the 7.95% for the billing in December to start collecting revenue against the principal that the WPCA is paying. Atty. Sienkiewicz summarized the resolution and the following revisions:

- In paragraph 6, the publication date should be September 13, 2013
- In paragraph B, step A wherever the amount, \$402.87 is listed, it should indicate \$396.51 instead
- In paragraph 9, paragraph 9A is new, and a new paragraph B has also been added, the purpose of which is to reimburse the authority for costs incurred in connection with such project in the payment of bond, principal, and interest prior to the levy of benefit assessments.

K. McPadden and Atty. Sienkiewicz will make the appropriate changes of the document. **L. Trojanowski-Marconi made a motion to adopt this resolution (Proposed Assessments Del Mar Drive Area Sewer Extension) with the mentioned amendments and to send it to public hearing on September 25<sup>th</sup> in Room 133. J. Jove seconded the motion, and it carried unanimously.**

b. Review of Sandy Lane Benefit Assessment Plan Options – This item is discussed after agenda item 9.g.

c. Danbury InterLocal Agreement – Chairman Malwitz stated that the agreement is expired, and no response has been received from Danbury. Chairman Malwitz asked Atty. Sienkiewicz to write a letter to Danbury asking to extend the current agreement for five years.

d. 67 Federal Road License – Atty. Sienkiewicz stated that he has been waiting for feedback on this matter from R. Prinz. R. Prinz noted that the electric box will be located inside of the building with a note on the plan. R. Prinz stated that the electrician will complete the plan for the box location. Atty. Sienkiewicz stated that he has the license agreement drafted. W. Charles Utschig mentioned that this drawing will have a note on it to indicate the location and installation of the box on the interior of the building. R. Prinz stated that Shannon Young (one of the property owners) would like to have the information completed before next month, and R. Prinz noted that Shannon Young has asked that all correspondence also be sent to him.

e. Rollingwood Permanent Maintenance Agreements – This item was discussed earlier in the meeting.

f. Commerce Road Sewer Acceptance – R. Prinz noted that the approximate cost to have the WPCA take over this system is \$35,000. R. Prinz noted that the valve pit clogs every couple of months. R. Prinz also noted that the manhole needs to be re-furbished. D. Will stated that the issues need to be fixed regardless. W. Charles Utschig noted that if the WPCA does not take over the system, the monitoring controls will not need to be installed. There is approximately \$10,000 currently held for the permanent maintenance agreement for this property.

g. Collections/Levy & Sales – Atty. Sienkiewicz reported that he has one account that will be brought up to date. Atty. Sienkiewicz stated that he has a surprising amount of residents from Stony Hill Village who are calling to request subordination of their lien in order to re-finance. The issue of subordination seems to be raised most by those seeking to refinance using Quicken Loans. Subordination is not possible. The practical options available are to (1) pay off the assessment, optionally rolling the amount into the new loan; or (2) add

the Benefit Assessment payment to the loan escrow fund in the conventional way that is done for insurance and taxes, allowing the bank to pay down the assessment.

h. Other Legal Matters – There were no additional legal matters at this time.

**8. Maintenance Manager Report:** R. Prinz distributed the Maintenance Manager Report.

- Rollingwood – Gravity Feed – R. Prinz, D. Will and Chairman Malwitz visited the site. R. Prinz stated that he has requested a topographic map from CCA.
- Del Mar Drive Project– The installation is completed, and the formal start-up will be next week. R. Prinz noted that there are also final numbers for the project, which indicate \$41,000 to \$46,000 under budget.
- Whisconier Middle School – The school has been hooked up and is flowing.
- Old New Milford Road – Earthmovers submitted their 2% retainage invoice for payment. R. Prinz stated that only two entities have hooked onto this line. K. McPadden noted that all of the owners have received letters informing them that they can apply to be connected to the line.
- Pump Station North – R. Prinz explained the issues that he has been having with this pump station, but these intermittent issues have now been fixed. There was most likely an electrical line break due to the snow plow activity. R. Prinz reported that warning and protection will be installed.
- Sewer Service Map – The WPCA has been keeping a running log of properties that should be added or changed to the sewer map. Brookfield Market is one property that is on the list to be added.

**9. Other WPCA Business**

- a. SBD Corporate Authorization Resolution – This item was discussed earlier, during agenda item 5, Accountant Reports.
- b. Employee Handbook – T.E. Lopez stated that the document has been received, and he and P. Kurtz have spent time together discussing the requested revisions. T.E. Lopez stated that this handbook will be catered to the WPCA. T.E. Lopez stated that at the next meeting the handbook will be distributed for feedback.
- c. Old Computers – As previously discussed with the commission, K. McPadden stated that she and M. Ongaro have purchased the old computers for \$10 each in accordance with Town procedures.
- d. Invoice Cloud/QDS Update – S. Welwood has a report that she will discuss with the Commission next month. K. McPadden mentioned that there may be other online payment options for the WPCA to use.
- e. Office Re-Do Update – K. McPadden noted that the office has been painted and carpeted, and the furniture is in. T.E. Lopez noted that at the last meeting, he had asked if K. McPadden would start an inventory list of the items in the office. K. McPadden replied that the former IT person had tagged the items and recorded the information for inventory purposes, but no one in the Town Hall seems to have this list.
- f. Accounts Payable Recommended Change - K. McPadden stated that the WPCA had a situation for the Del Mar Drive pump station when it was being hooked up to water, and Aquarion Water needed a check right away. K. McPadden noted that she could not cut the check because the check would first need to be approved by the Commission or be on the list of utilities for which K. McPadden can sign. Chairman Malwitz stated that if there is an emergency, perhaps there should be a motion to allow two commissioners to sign a check. K. McPadden mentioned that there would need to be a motion to amend the June 26<sup>th</sup> motion to include Aquarion to the list of utilities. **T.E. Lopez moved to amend the motion of June 26, 2013 on page 4 to include Aquarion Water Company [to the list of utilities that K. McPadden is authorized on a monthly basis and prior to Commission approval, to process and sign accounts payable . . . up to and no more than \$5,000. Approval of these invoices will be at the next Commission meeting; all other accounts payable will be processed and signed by K. McPadden after approval at the Commission meeting, per voucher listing]. L. Trojanowski-Marconi seconded the motion, and it carried unanimously.**

**L. Trojanowski –Marconi made a motion that if an urgent check up to \$5,000 is necessary, it may be signed by two Commissioners outside of the normal monthly voucher system for approval. J. Jove seconded the motion, and it carried unanimously.**

g. Draft response to Board of Selectmen Email – This item was discussed earlier in the meeting, during agenda item 5.b.

**7. Legal Matters**

b. Review of Sandy Lane Benefit Assessment Plan Options – Chairman Malwitz stated that the WPCA has spent approximately \$362,000, but the BAN for the project was \$375,000. The WPCA owes interest on the BAN, and in January 2014 the BAN payment due will be \$384,375. Chairman Malwitz stated that the project was \$9,000 under plan and the Town is still holding that amount. Chairman Malwitz explained that on this ten-year program where the WPCA is collecting benefit assessments, twenty-percent of the people have already paid off, so \$90,000 is in the bank as principal against the future bond. Chairman Malwitz explained that the WPCA would only need to bond \$294,000. The other option is for the WPCA to obtain a commercial loan, which would allow the WPCA to pay amounts of the loan off as owners pay their Benefit Assessments in full. The interest on the existing BAN would still need to be paid. Atty. Sienkiewicz mentioned that the BAN may be able to be renewed. Chairman Malwitz stated that he had gone to Savings Bank of Danbury, which requires a certificate of deposit as collateral against a loan. Atty. Sienkiewicz also mentioned that Webster Bank has a municipal finance area in Waterbury. Chairman Malwitz would be looking for an alternative method to pay off the amount.

**9. Other WPCA Business**

h. Other WPCA Business –

- Restricted Funds Ownership – A narrative report of the Operating Fund account and Benefit Assessment accounts by Sewer District was submitted to the Board of Selectmen. Chairman Malwitz stated that he discussed the matter of fund ownership with First Selectman Davidson. Mr. Davidson is now recommending only an annual executive summary report showing sufficient funds are available in each bond program. Mr. Davidson also suggested revisions to Ordinance 71 to improve consistency with State Statutes and WPCA regulations. The First Selectman has asked WPCA for their input for the proposed ordinance revision language.
- SEEC Matter – Chairman Malwitz stated that another letter in regard to this matter in response to follow up queries that is due and will be sent August 29.

**10. Executive Session: *The Commission did not enter into Executive Session.***

**11. Vouchers**

**L. Trojanowski-Marconi made a motion to accept the vouchers as presented. J. Jove seconded the motion, and it carried unanimously.**

**12. Adjournment**

**L. Trojanowski-Marconi made a motion to adjourn at 10:27 PM. J. Jove seconded the motion, and it carried unanimously.**

\*\*\* Next meeting scheduled for September 25, 2013 \*\*\*